

JASON M. FRIERSON
United States Attorney
Nevada Bar Number 7709
CLAY A. PLUMMER
Nevada Bar No. 6778
Special Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Tel: (702) 388-6336
clay.plummer@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODRIGO VALDOVINOS-HERNANDEZ,
aka "Rodrigo Tejeda-Valdovinos,"
aka "Rodrigo Valdovinos,"

Defendant.

Case No. 2:23-mj-733-NJK

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Seventh Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Clay Plummer, Special Assistant United States Attorney, counsel for the United States of America, and Joy Chen, Assistant Federal Public Defender, counsel for Defendant RODRIGO VALDOVINOS-HERNANDEZ that the Court reschedule the preliminary hearing in this case for no earlier than 30 days from the currently scheduled date of November 21, 2024, at 4:00pm. This request requires that the Court extend two deadlines: (1) the deadline to conduct a preliminary hearing, *see* Fed. R. Crim. P. 5.1(c); and (2) the deadline to file an information or indictment, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. The United States Attorney's Office has developed an early disposition
3 program for immigration cases, authorized by the Attorney General pursuant to the
4 PROTECT ACT of 2003, Pub. L. 108-21.

5 2. The early disposition program for immigration cases is designed to: (1) reduce
6 the number of hearings required in order to dispose of a criminal case; (2) avoid having
7 more cases added to the court's trial calendar, while still discharging the government's duty
8 to prosecute federal crimes; (3) reduce the amount of time between complaint and
9 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
10 indictments in immigration cases, which in turn reduces court costs.

11 3. The government has made a plea offer in this case that requires defendant to
12 waive specific rights and hearings in exchange for "fast-track" downward departure under
13 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is
14 indicted and before a preliminary hearing is held.

15 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
16 preliminary hearing within a reasonable time, but no later than 14 days after the initial
17 appearance if the defendant is in custody"

18 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a
19 showing of good cause—taking into account the public interest in the prompt disposition of
20 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
21 times"

22 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny
23 information or indictment charging an individual with the commission of an offense shall be
24

1 filed within thirty days from the date on which such individual was arrested or served with a
2 summons in connection with such charges.”

3 7. The parties previously stipulated to extend the above deadlines. Pursuant to
4 that stipulation, the Court rescheduled the preliminary hearing for November 21, 2024.

5 8. Defendant needs additional time to review the discovery and investigate
6 potential defenses to make an informed decision as to how to proceed, including whether to
7 accept the fast-track plea agreement.

8 9. Defendant has been unavailable because he was committed to the Attorney
9 General for restoration of competency on April 2nd, 2024 and has not yet been found
10 competent.

11 10. A report on the restoration of competency is due to the court by November
12 17, 2024 which is only four days before the currently scheduled preliminary hearing and
13 defense will need additional time to review options.

14 11. Accordingly, the parties jointly request that the Court reschedule the
15 preliminary hearing in this case no sooner than 30 days from the currently scheduled date.

16 12. Defendant is in custody and agrees to another extension of the deadline
17 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
18 § 3161(b), provided that the information or indictment is filed on or before the date ordered
19 pursuant to this stipulation.

20 13. The parties agree to the extension of that deadline.

21 14. This extension supports the public interest in the prompt disposition of
22 criminal cases by permitting defendant to consider entering into a plea agreement under the
23 United States Attorney’s Office’s fast-track program for § 1326 defendants.
24

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**Order on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and File
Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on the 21st day of November, 2024 at the hour of 4:00 p.m., be vacated and continued to January 7, 2025 at the hour of 4:00 p.m.

DATED this 15th day of November, 2024.


HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE